



# PACIFIC JUDICIAL DEVELOPMENT PROGRAMME

**PJDP Phase 2 -**

***Final 12 Month Extension Plan:***

***1 July 2012-30 June 2013***

1 May, 2012



## TABLE OF CONTENTS

Abbreviations and Acronyms .....	iii
Executive Summary .....	iv
1.0 Introduction .....	1
1.1 Programme Description: 6 July 2010 - 30 June 2013.....	1
1.2 Programme Goal, Purpose and Vision.....	1
1.2.1 Programme Goal.....	1
1.2.2 Programme Purpose .....	1
1.2.3 Vision for PJDP Phase 2 .....	1
2.0 Review of Progress - July 2010-February 2012 .....	1
3.0 Phase 2 Extension Period Implementation Plan .....	3
3.1 Programmatic Approach - Guiding Principles.....	3
3.1.1 Stakeholder Driven Design, Planning & Implementation.....	3
3.1.2 Consolidating a 'regional' approach .....	4
3.1.3 Lessons Learned.....	5
3.1.4 Value for Money .....	6
3.1.5 Integration of Cross-cutting Issues.....	7
3.2 Components, Projects and Outcomes.....	7
3.3 Activity and Output Summary.....	8
Component 1.0 Access to Justice.....	8
Component 2.0: Governance.....	9
Component 3.0: Systems and Processes.....	11
Component 4.0: Professional Development .....	11
Component 5.0: Programme Management.....	12
4.0 Monitoring and Evaluation.....	14
4.1 Theory of Change.....	14
4.2 Results Framework .....	15
4.3 Reporting and Milestones.....	15
4.4 Risk Analysis and Management .....	15
5.0 Expenditure Summary.....	17
Annexes	
Annex One - Summary of the Judges and Court Development Needs Assessment Report.....	A1-1
Annex Two - Responsive Fund Mechanism: Implementation Options.....	A2-1
Annex Three - Indicative 12-month Extension Period Work Plan .....	A3-1
Annex Four - Results Diagram and Framework.....	A4-1
Annex Five - 12-month Extension Period Budget .....	A5-1
Annex Six - Reserve Activities .....	A6-1



## ABBREVIATIONS AND ACRONYMS

AusAID	-	Australian Agency for International Development
CJ	-	Chief Justice
CoJC	-	Codes of Judicial Conduct
DM	-	Decision-Making
FVYJ	-	Family Violence and Youth Justice
IPJDP	-	Institutionalising the Pacific Judicial Development Programme
JAP	-	Judicial Administration Project
JCOOT	-	Judicial and Court Officer Orientation
JCOOT-LE	-	Judicial and Court Officer Orientation - Lead Adviser
JDMT	-	Judicial Decision-Making Training
PME	-	Performance Monitoring and Evaluation
M&E	-	Monitoring and Evaluation
MFAT	-	New Zealand Ministry of Foreign Affairs and Trade
MSC	-	Managing Services Contractor - Federal Court of Australia
MTA	-	Monitoring and Technical Adviser
NC	-	National Coordinators
PEC	-	Programme Executive Committee
PIC	-	Pacific Island Country



## EXECUTIVE SUMMARY

Traditionally, the courts of the Pacific have administered justice across the region with modest levels of resources. As a consequence, justice service providers - being judges, court officers and lay magistrates - have generally administered justice without the support of ongoing judicial development and training programmes.

Since the mid 1990's, the Chief Justices of 14 Pacific Island Countries have sought to redress this deficiency through the establishment of the Pacific Judicial Education Programme (PJEP: 1999-2004) and the Pacific Judicial Development Programme (PJDP Phase 1: 2006-2008), funded through the assistance of various donors. These Pacific Island Countries include: Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

Since July 2010, this assistance has been resumed by the New Zealand Ministry of Foreign Affairs and Trade (MFAT) for an additional two years with AusAID for the first of those years. The purpose of this second phase of the Pacific Judicial Development Programme (PJDP Phase 2) has been to strengthen governance and rule of law in Pacific Island Countries through resuming support to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use. Most recently, MFAT has extended its support for PJDP for the 12-months between 1 July 2012 and 30 June 2013.

### Participatory inclusive design process

In order to ensure inclusive participation of stakeholders in the extension phase design process, a 'National Coordinators' Working Group' was established to represent stakeholders. This Working Group worked actively with the Management Services Contractor between December-February to supply leadership direction and feedback from chief justices and national coordinators across the region that have refined the extension concept along with the proposed activities outlined below.

### Programme strategy

Having regard to the short duration of this extension period, the overall approach to this design is to build on and refine the existing development strategy. As a result, the previously-approved Programme goal, purpose and vision are retained during this extension period. The *goal* of PJDP is to strengthened governance and rule of law in PICs through enhanced access to justice and professional judicial officers who act independently according to legal principles. The *purpose* of the Programme is to support PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use. The *vision* for Phase 2 of PJDP is to consolidate and extend the delivery of the highest quality practical judicial training and court development services, while significantly enhancing the institutionalisation, localisation and sustainability of those services for stakeholders across the region. Within this strategic framework, the design addresses stakeholders' assessment of needs and incorporates lessons learned from the preceding 18-month period in order to refine implementation approach and improve value for money.

Over the years, the theory of change for PJEP and PJDP has variously built on the core notion that providing technical assistance to improve the competence of judicial and court officers will in due course lead to improved judicial performance and service delivery and, thereby, enhanced access to justice. This theory underlies and defines the relationship between PJDP's objectives, activities and outcomes, as articulated in the annexed Results Framework. Hence PJDP's theory of change may be described as the notion that "institutional strengthening, through the development of management skills, and the increased availability of quality resources (in the form of technical assistance delivered regionally through capacity-building, leadership fora, toolkits and pilot projects, together with finance assistance delivered locally) will equip PICs



to solve judicial development problems themselves, leading to improved service delivery and thereby law and justice outcomes " at the regional, national and local levels. Within this broad statement are nestled, as PJDP's history indicates, a number of sub-theories of change, including: (a) strengthening judicial governance regionally will stimulate improved judicial leadership and lead into better court service delivery for beneficiaries within each PIC; and (b) providing technical assistance at the regional level will strengthen the competence of judicial institutions through support in developing systems and procedures, thereby allowing them to improved court service delivery and improved access to justice for beneficiaries in each PIC. This Plan applies this theory of change to consolidate the delivery of activities which will produce outcomes that contribute to building regional and local capacity to improve beneficiaries' access to reliably consistent, competent and efficient justice.

### **Components and activities**

During this extension, the Programme will continue to consolidate and extend the delivery of high quality practical judicial training and development services, while also significantly enhancing the set-up, localisation and sustainability of those services across the region. Additionally, it is anticipated that once formally endorsed by stakeholders, the Programme will add a distinctive emphasis on supporting regional judicial leadership, implementing regional pilot projects, strengthening capacity to manage the local delivery of training, and developing tools or toolkits which may be regional in focus but tailored to the needs and operating environments of each PIC, as recommended in the institutionalisation project.

In overview, this Plan is structured to deliver services through four components comprising 10 projects. These will include refining the focus of and extending the Customary Dispute Resolution Project in to a new 'Access to Justice Pilot Project' to develop a regional access to justice plan integrating community dispute resolution needs; introducing a new project to develop judicial competence in the area of family violence and youth justice; extending the project to promote codes of conduct to strengthen judicial integrity; extending the regional governance project through conducting leadership dialogues on judicial development; extending and refining the Responsive Fund; extending the judicial administration project to build capacity to dispose of cases more efficiently through the introduction of a regional good practice time standards toolkit; extending the performance monitoring and evaluation project to improve accountability and transparency through piloting a regional court reporting toolkit; strengthening judicial competence through a number of projects to build regional training capacity, train-the-trainer, curriculum development, orientation of lay appointees and judicial decision-making and judgment writing; and scoping a concept note to promote continuity in the design of the next phase.

### **Outcomes**

These activities will deliver the range of measurable programmatic outcomes that are detailed in this Plan. Collectively, these outcomes will contribute to strengthening governance and the rule of law by enhancing both regional and local capacity to develop the competence of judicial officers and court officers, and the processes and systems that they use.



## 1.0 INTRODUCTION

### 1.1 PROGRAMME DESCRIPTION: 6 JULY 2010 - 30 JUNE 2013

The Pacific Judicial Development Programme (PJDP) is a regional programme of assistance that is designed to contribute to strengthening the region's judiciaries as a central pillar of good governance and the rule of law.

The PJDP operates in 14 Pacific Island Countries (PICs), namely: Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. The Programme is currently supported by the New Zealand Ministry of Foreign Affairs and Trade (MFAT).

Phase 2 of the PJDP commenced on 6 July 2010, for a period of three years; initially for 2 years, with support for a third year based on actual performance.<sup>1</sup> A 12-month extension - from 1 July 2012 to 30 June 2013 - has recently been approved to allow the third year of implementation to be undertaken by the Federal Court of Australia as Management Services Contractor (MSC), with additional funding of approximately AUD 1.9 million. Phase 2 builds on the experience of both the PJEP and the PJDP Phase 1; with the proposed extension building on both the research-focussed development approach adopted during Phase 2 as well as the practical implementation experience of the Federal Court of Australia as MSC since July 2010.

### 1.2 PROGRAMME GOAL, PURPOSE AND VISION

Having regard to the short duration of this extension period, the overall approach to this design is to build on and refine the existing development strategy. As a result, the previously-approved Programme goal, purpose and vision are retained during this extension period, as outlined below:

#### 1.2.1 Programme Goal

Strengthened governance and rule of law in PICs through enhanced access to justice and professional judicial officers who act independently according to legal principles.

#### 1.2.2 Programme Purpose

To support PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use.

#### 1.2.3 Vision for PJDP Phase 2

The vision for Phase 2 of PJDP is to consolidate and extend the delivery of the highest quality practical judicial training and court development services, while significantly enhancing the institutionalisation, localisation and sustainability of those services for stakeholders across the region.

## 2.0 REVIEW OF PROGRESS - JULY 2010-FEBRUARY 2012

Since Phase 2 of the PJDP commenced in July 2010, the following has been achieved:

- a. *Technical Needs Assessment*: Comprising a survey responded to by stakeholders from all participating PICs, and 3 sub-regional consultation workshops attended by 28 key stakeholders.

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<sup>1</sup> Note: PJDP was originally designed as a single 5 year Programme. Due to the unanticipated early termination of the original contract between MFAT and the previous MSC, two short-term phases were subsequently created.



- b. *Customary Dispute Resolution*: Assessments of the interplay between formal and Customary Dispute Resolution processes have been made with the three participating PICs; Marshall Islands, Samoa and the Federated States of Micronesia.
- c. *Codes of Judicial Conduct Project (CoJC)*: Has been completed comprising the development and approval of CoJC with Niue, Kiribati and Tuvalu. Respectively, the latter two jurisdictions have, and will conduct training on the CoJC using funds from the Responsive Fund.
- d. *Institutionalisation of the PJDP*: Analysis of issues and development of options to institutionalise judicial development support are complete.
- e. *Judicial Administration Diagnostic Project*: Diagnoses have been made of the three participating PICs; Vanuatu, Solomon Islands and Tonga.
- f. *Judicial Monitoring and Evaluation Project*: Has established a baseline data collection framework with Papua New Guinea (PNG) and Palau and developed and distributed a survey to other interested PJDP partner courts to collect selected baseline data.
- g. *Judicial Orientation Training*: Has been designed and delivered for 31 judicial and court officers.
- h. *Decision-Making Training*: Has been designed and delivered for 33 lay and law trained judicial officers.
- i. *Training-of-Trainers Workshops*: Have been designed and delivered:
  - twice to refresh the skills and knowledge of a total of 11 members of the Regional Training Team; and
  - three times to induct a total of 40 new trainers, including the delivery of a new 'capacity-building' programme designed specifically for the Pacific.
- j. *Leadership Meetings*:
  - Programme Executive Committee (PEC) has met three times.
  - Chief Justices (CJ) have met once. The meeting was attended by 9 chief judicial officers.
  - National Coordinators (NC) have met twice, attended by 28 people.
- k. *Responsive Fund*: The following activities have been approved:
  - Training for Law Commissioners, Tokelau.
  - Training for Police, Tokelau.
  - Training for Court Officers, Tokelau
  - Training for legal practitioners, Nauru.
  - Registry Systems Development and Training, Nauru.
  - Training on the CoJC, Kiribati.
  - Training on the CoJC, Tuvalu.
  - Training for Court Interpreters, Papua New Guinea.
  - Training for Court Interpreters, Tonga.
  - Training for Land Court Assessors, Tonga.
  - Training for Court Officers, Tonga
  - Development of an additional chapter on Decision Making and Judgment Writing, Cook Islands.
  - Preparation of annual court accounts, development of and training on financial management procedures, Marshall Islands.
  - Judicial Training, Vanuatu.
  - Decision-Making Training, Solomon Islands.
  - Judicial Settlement Conferencing Training, Samoa.
  - Registry Development Attachment/Planning, Niue.

All other approved activities are 'on-track' to be completed before the end of June 2012 as planned.



### 3.0 PHASE 2 EXTENSION PERIOD IMPLEMENTATION PLAN

#### 3.1 PROGRAMMATIC APPROACH - GUIDING PRINCIPLES

##### 3.1.1 Stakeholder Driven Design, Planning & Implementation

To ensure inclusive participation of stakeholder in the extension phase design process, a 'National Coordinators' Working Group' was established during the October 2011 meetings. Three NCs (one representing each sub-region) were nominated by their peers and these nominations were ratified during the subsequent PEC meeting. The NC Working Group was tasked to:

- provide suggestions to build on PJDP's existing activities for consideration in the extension period prior to the commencement of the Plan's development;
- disseminate and solicit feedback from the region's Chief Justices (CJs) and NCs on the initial Extension Plan Design Concept Note and subsequently the Draft Extension Plan;
- provide individual feedback at all stages of the Plan's development; and
- present the Draft Extension Plan proposal to the next scheduled meetings of NCs, CJs and PEC.

Between December and January, three teleconferences were conducted between the NC Working Group and the MSC. During these teleconferences, some leadership direction and feedback was received via the NC Working Group from the CJ and / or NC of: Cook Islands, Federated States of Micronesia (including all state Chief Justices), Marshall Islands, Niue, Palau, PNG (Magisterial Services), and Vanuatu which endorsed and refined the extension concept and the proposed activities.

In the process, the MSC provided the Monitoring Technical Advisor (MTA), James McGovern, with the extension design concept and work plan, and received a range of comments. These have been taken into account as a part of the design process and a number have been included in the following passages for the consideration of stakeholders.

This Extension Plan builds on the:

- Continuing relevance of the comprehensive development needs assessment undertaken with local stakeholders from August-September 2010.<sup>2</sup> For further details of the assessment, see *Annex One: Summary of the Judges and Court Development Needs Assessment Report* and partner courts' prioritisation of activities during Phase 2.
- Outcomes of the three sub-regional stakeholder consultation workshops conducted in Polynesia (Apia), Melanesia (Port Vila) and Micronesia (Koror) during the Inception Period.
- Continuous and ongoing consultations with the judicial leadership, key counterparts and stakeholders as part of in-country, regional training and Leadership activities.<sup>3</sup>
- Ongoing consultations with senior judicial stakeholders in the New Zealand and Australian Courts.

This Plan consolidates the current transition of PJDP from its origins as a regional training project for judges and a capacity-building programme for courts, to a Programme better informed by current local research to focus on beneficiaries' actual needs. . To this end, the recent leadership meetings in Vanuatu in October 2011 explicitly endorsed the PJDP's the continuation of key Phase 2 Projects, in particular the:

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<sup>2</sup> The development needs assessment is being relied upon as it has been only a little more than 2 years since it was conducted. Additionally, the ongoing stakeholder consultations that have been undertaken throughout Phase 2 have enabled the Management Team to both confirm, and where necessary refine, the outcomes of the needs assessment as part of a responsive and iterative planning process. Further, given the limited duration of the approved extension period, value for money considerations (and limited time and available resources) resulted in an updated needs assessment being not feasible.

<sup>3</sup> Including: 2 PEC Meetings; 1 CJ Leadership Workshops; and 2 NC Leadership Workshop.





- continued use of research-based development methodologies - for example, via the Access to Justice Pilot Project (formerly Customary Dispute Resolution Research Project) - though focussing this work on local relevance and the feasibility of harmonising formal and informal to dispute resolution mechanisms;
- ongoing devolution of service delivery to local actors through the consolidation of the RTT and the continuation of capacity building training-of-trainers (ToT);
- strengthening of core judicial development activities in orientation and decision-making training modules; and
- ongoing development of regionally relevant project interventions - namely the codes of judicial conduct, judicial administration; and judicial monitoring and evaluation projects.<sup>4</sup>

### 3.1.2 Consolidating a 'regional' approach

Given the short duration of the approved extension period, the approach to its design seeks to build upon, refine, finalise or replicate existing approved Phase 2 activities, as already noted. In their October 2011 meetings, key stakeholders (PEC, CJs, NCs) expressed the clear and consistent preference to maintain PJDPs regional focus albeit with some national elements - primarily enabled through the Responsive Fund:

*"The ongoing emphasis of the PJDP should be to continue to provide a regional network for discussions of problems and models, capacity building in strategic planning, and the development of pilot activities as models for the other PICs to apply ... [and] ... that this emphasis should promote the sustainability of the Programme, flexibility and inclusiveness, and should also retain the Responsive Fund mechanism."<sup>5</sup>*

The Extension Plan also builds directly on the research undertaken during Phase 2. In particular, the new directions emerging from the Institutionalisation of the PJDP Project (noted in Section 3.1.1, above, which is anticipated but yet to be formally endorsed by stakeholders) will inform and influence the approach to implementation in the extension period. In this period therefore, the Programme will add a distinctive emphasis to:

- *develop regional judicial leadership* through face-to-face or virtual fora, meetings or networks to address shared issues, problems and solutions;
- *develop, implement and assess 'pilot projects'* that focus on the 'how-to' undertake activities in individual jurisdictions using local resources (replicable methodologies), rather than the full delivery of comprehensive projects to only a few countries that rely on external adviser inputs;
- *develop local capacity* to assess training needs, design and conduct training; and
- *develop 'tools' or 'toolkits'*, including the further development of survey instruments, methods and processes which may be regional in focus but tailored to the needs and operating environments of each PIC.

<sup>4</sup> Based on **Resolution One** of the Third PJDP Phase 2 PEC Meeting (15-17 October, 2011 - Port Vila, Vanuatu).

<sup>5</sup> As per **Resolution One** of the Third PJDP Phase 2 PEC Meeting (15-17 October, 2011 - Port Vila, Vanuatu).



#### Explanation of 'Tools' and 'Pilot Projects':<sup>6</sup>

- *Tools* are generally less complex (have fewer parts) than pilots and more importantly, tools are not intended to improve outcomes directly but rather to assist or be part of activities (including pilots) that do. Thus a user survey, a needs or sector assessment, a court audit, a focus group or participatory planning technique, or a self-assessment mechanism like the Court Excellence Framework are all tools.
- In contrast, the process already developed by a PJDP advisor for creating and disseminating an ethics code can be thought of as a *Pilot Project / Activity* (with the intended effect of improving certain aspects of court performance). The proposed activity to develop an improved registry model is also a pilot, which not incidentally may use several tools (an audit, surveys, a mechanism for weighting cases and so on).

### 3.1.3 Lessons Learned

The design of the Extension Plan is also guided by lessons learned during the implementation of PJDP Phase 2, particularly issues related to; proactive leadership, communication and engagement, local capacity and priorities.

- *Proactive leadership*: during this period, the MSC has sought to enable and stimulate proactive leadership by stakeholders in driving the ongoing regional development process. It has been appreciated that key stakeholders are invariably busy undertaking their primarily domestic responsibilities. With this in mind, very sound relationships have been consolidated between both the PEC and NCs with the MSC, with high levels of mutual respect and trust being built. This has enabled the MSC to adopt a catalytic role in facilitating the ongoing regional development process in day-to-day managerial practice. This has on occasion resulted in what may best be described as reactive leadership being exercised by key stakeholders. In light of this experience, the MSC will continue with endeavours to stimulate more proactive stakeholder leadership of the Programme, for example, most recently through the establishment of the NC Working Group mechanism.
- *Eliciting feedback from stakeholders*: this is an extremely time intensive activity, and requires significant input from PJDP Team members. On a number of occasions, this has resulted in no feedback being provided to the PJDP which may be indicative of inconsistent levels of engagement and ownership of the Programme by stakeholders. As a result, more resources to engage, and longer lead times, where possible, will be provided in the Extension Plan for each opportunity to engage with key stakeholders.
- *Eliciting timely and appropriate nominations*: identification of activity participants from PICs has been difficult. For recent activities the PJDP Team developed selection criteria for the consideration of Chief Justices and NCs when nominating participants. This has assisted with receiving appropriate nominations, however, significant delays still occur in receiving participant's details and responses to logistics details. More defined timeframes, deadlines, and processes for responding to logistical communications will be developed and operationalised in the extension period.
- *Programme updates and progress of project/activity implementation*: improved dissemination of this information is useful in maximising knowledge, engagement, ownership and stakeholder-driven direction. Following its internal stakeholder review, the PJDP Team has provided regular and informal updates to NCs about implementation which will continue during the Extension Phase. An NC Working Group has also been established comprising a representative for each sub-region which stakeholders may wish to continue, or even expand, in the extension period.

<sup>6</sup> Based on the definition provided by the Institutionalisation Adviser in her paper "*Institutionalisation of PJDP and Related Themes: A Second Cut on the Issues*".



- *Enabling stakeholders to contribute appropriately to in-country activities:* to assist with this, it would be useful for Advisers to complete a brief pre-visit summary, which identifies the objectives of the input, and the key results expected which can be reported against. This summary can also serve to document how the requirements for Adviser inputs change over time; and as evidence of PJDP's responsiveness and evolution over time.
- *Appropriate use of advisers and maximising cost-effectiveness:* the ongoing approach to the involvement of advisers has also been reviewed and will focus on providing fewer, selected in-PIC visits to pilot certain projects, sustained by remote support in future. This shift to include remote work to supplement in-PIC adviser visits responds to received feedback and the PJDP Team's/Advisers' experience under Phase 2, and the advice of the MTA. It is anticipated that this will: allow advisers to play a more facilitative (rather than an active) role in implementation; improve cost-effectiveness of in-PIC activities and regional meetings by reducing fees and travel-related costs for advisers; and support the 'pilot project' approach and foster greater reliance on local, in-PIC, resources. This will strengthen local capacity to implement activities and also ownership and sustainability of PJDP supported activities.
- *Capacity to assess/confirm needs, design and implement projects:* this varies significantly across the region and has impacted directly on the quality of Responsive Fund applications and reporting, as well as the use of available funds. This has resulted in significantly more resources being dedicated to the Responsive Fund than was originally envisaged. To address this, capacity building related to project management skills will be integrated with one of the proposed activities in the Extension Plan and changes to the structure and form of the responsive Fund are suggested in **Annex Two**.
- *Balance between research and practical implementation:* ensuring that PJDP programming was research-driven was a key initiative of PJDP Phase 2, however, ongoing research is not a PJDP priority in itself. Research and diagnostics may play a valuable role in the ongoing development of PJDP, but the Extension Plan focuses on the regional application of the research outcomes from Phase 2.
- *Capacity development as against training:* it is clear that PJDP with its current recourse levels cannot meet all of the region's training needs, particularly at the local level. Consequently, while substantial resources will still be directed towards building professional competence at the regional level, such PJDP-facilitated training will be bolstered by the Programme also undertaking further Training-of-Trainers training, and developing a new approach to further develop the capacity of the Regional Training Team (RTT). The new approach will focus on developing RTT capacity with regards to curriculum development and project management to better enable the RTT members to respond to local training needs and to develop and manage local projects, thereby promoting sustainability.
- *The use of adviser personnel as facilitators of local capacity:* the use of quality adviser personnel was a key approach to implementation under Phase 2. Some feedback received indicates that rationalisation of adviser inputs may be possible, including the use of fewer advisers to provide more generic support across a number of projects; and that advisers play a facilitative (rather than an active) role in implementation. This would devolve responsibility to local counterparts and the regional judicial leadership, there by increasing stakeholder-driven nature of the Programme.

### 3.1.4 Value for Money

The budget developed for the Extension Plan is within the funding allocation made available by MFAT for the extension period and guided by value for money principles including: quality, sustainability, performance indicators, fitness for purpose, inherent risk, competency, capacity, and capability of participants to deliver in accordance with the allocated requirements and timeframe. This is further guided by the direction provided by stakeholders to ensure PJDP delivers activities at a regional level and that the sustainability of those activities and the Programme as a whole is maximised. To maximise cost effectiveness, adviser fee rates remain at the levels approved in the 18-Month Implementation Plan budget, and other costs have been reviewed in light of the experience gained during implementation; thus providing significant savings. Further,



the Management Team will continue to use the proven processes and procedures to ensure that the cost of implementation is effectively balanced with value for money requirements.

### 3.1.5 Integration of Cross-cutting Issues

The Programme takes a holistic justice-focussed approach to concepts relating to human rights, gender equity and sustainability that underpin the services judiciaries provide. Cross-cutting issues will therefore continue to be integrated in relevant activities as outlined in the strategy papers developed and approved at the commencement of Phase 2. Furthermore, the prominence of gender-related and domestic violence issues in the region is acknowledged and addressed by the design of a Project to develop an awareness toolkit on sexual and gender-based violence for PJDP partner courts.

## 3.2 COMPONENTS, PROJECTS AND OUTCOMES

The Extension Plan consolidates and builds on the foundations of the preceding 18-month implementation period. To maximise continuity, it will be structured around the five thematic areas used in earlier Phases and re-endorsed by the PEC in approving the plan for Phase 2, namely: *access to justice, governance, registry systems and processes, professional development, and programme management*. Within the substantive pillars, it is proposed that the Extension Plan include the following Projects:

Component 1.0: Access to Justice	Component 2.0: Governance	Component 3.0: Systems and Processes	Component 4.0: Professional Development
Access to Justice - Pilot Project	Code of Judicial Conduct - Pilot Project	Judicial Administration - Pilot Project	Consolidation of Regional Training Capacity Project
Family Violence and Youth Justice Issues - Awareness Toolkit Development	Analytical Appraisal of Regional Judicial Development	Performance Monitoring and Evaluation - Pilot Project	Core Judicial Development Project
	Regional Governance and Leadership Development Project		
	Responsive Fund		

The **Outcomes** that the Programme aims to achieve through activities in each of these components over the coming 12 months are to:<sup>7</sup>

1. Build the capacity of 1 PIC to develop a framework to holistically and effectively address community dispute resolution needs.
2. Improve judicial knowledge, skills and attitudes relating to family violence and youth justice issues, law, contemporary practice and procedure.
3. Build the capacity of PICs to draft, revise and/or reinforce CoJCs to continue promoting the development of judicial conduct in the region.

<sup>7</sup> Note: a number of additional reserve activities based on the activities developed in this Plan will also be proposed as part of budget negotiations with MFAT to allow the MSC to more effectively use underspent or unused contingency amounts during the extension period. These reserve activities are contained in **Annex 6**.



4. Define the direction and scope of future PJDP programming.
5. Promote and support effective governance of the PJDP in addressing the needs of the region and each PIC, and providing continuity in fora for leadership dialogue on judicial development and sharing experiences.
6. Balance the competing priorities of counterparts' desire for direct national assistance and the Programme's regional focus, enabling PICs to address national reform priorities not otherwise addressed by PJDP.
7. Build the capacity of PICs to dispose of cases more efficiently and effectively.
8. Build the capacity of PICs to increase transparency and accountability through ongoing collection, analysis, reporting on and use of court performance data relating to community justice needs.
9. Improve the access of all PICs to trainers equipped with the knowledge, skills, approach and resources necessary to competently assess needs, design, present, manage and evaluate training programmes that will build capacity in their own country and/or region.
10. Promote judicial competence of new-appointees to apply fundamental principles of judicial functions to promote excellence in the delivery of justice across the Pacific region.
11. Develop the capacity and skills of lay judicial and court officers to make sound judicial decisions and to deliver judgments and to develop subject matter and pedagogical expertise among selected RTT.
12. Promote the effective management of all aspects of the PJDP, promote collaborative and responsive programming and implementation and the transparent administration of PJDP resources to provide high quality products and services which are locally tailored to deliver tangible benefits to PIC courts.

Furthermore, the approach to locating the planned activities adopted in the 18-month implementation period will again be adopted. This entails, partner courts 'self-selecting' which bi-lateral projects are undertaken in each jurisdiction. In this way, courts can select which of the planned activities best meet their priority development needs. During the recent leadership workshops, the location of each bilateral activity was determined by PICs as detailed in the Indicative Work Plan at *Annex 3*.

### 3.3 ACTIVITY AND OUTPUT SUMMARY

#### Component 1.0 Access to Justice

In this thematic area, it is proposed to deliver two projects: *Access to Justice Pilot Project*, and *Family Violence and Youth Justice Project (FVYJ)*.

**1.1 Access to Justice Project** - will pilot the implementation of the Customary Dispute Resolution strategy with the aim of building the capacity of 1 PIC to develop a framework to holistically and effectively address community dispute resolution needs. The Project will comprise:

- Assessing community dispute resolution needs;
- Developing an Access to Justice Plan integrating community dispute resolution needs into court development plans;
- Documenting and reflecting on the experience;
- Develop a Regional Toolkit for Engaging with Communities;
- Disseminating the Regional Toolkit to all PICs for local use; and
- Exploring options to secure ongoing support for the Access to Justice Pilot Project from other funding sources.

**1.2 Family Violence and Youth Justice Project** - will develop and pilot a training toolkit with the aim of improving judicial knowledge, skills and attitudes (i.e. competence) of judicial and court officers relating to



family violence and youth justice issues, law, contemporary practice and procedure. This is a new Project designed to respond to needs for assistance articulated by regional stakeholders and will focus specifically on the needs of judicial and court officers, in particular with reference to appropriate approaches to associated issues in the courtroom.<sup>8</sup> The Project will comprise:

- Designing a 2-3 day workshop complete with a toolkit of materials and training resources;
- Piloting the workshop in 1 PIC with judicial officers and members of the Regional Training Team; and
- Disseminating the toolkit to all PICs for local use.

## Component 2.0: Governance

In this thematic area, it is proposed to deliver four projects: *Codes of Judicial Conduct Project (CoJC)*; *Analytical Appraisal of Regional Judicial Development*; *Regional Governance and Leadership Development Project*; and the *Responsive Fund (RF)*.

**2.1 *Codes of Judicial Conduct (CoJC) Project*** - will develop and pilot a regional toolkit with the aim of building the capacity of PICs to draft, revise and/or reinforce CoJCs to continue promoting the development of judicial conduct in the region. The Project will comprise:

- Reviewing the processes used to develop the CoJC in Niue, Tuvalu and Kiribati; to
- Develop a Regional Toolkit for Drafting, Revising or Reinforcing Judicial Conduct;
- Piloting the Regional Toolkit in 1 PIC to develop a CoJC;
- Documenting and reflecting on the experience to refine the Regional Toolkit;
- Disseminating the Regional Toolkit to all PICs for local use; and
- Assessing improvements in judicial conduct in Niue, Tuvalu and Kiribati and providing remote support, as required; to continue promoting improvements in judicial conduct.

**2.2 *Analytical Appraisal of Regional Judicial Development*** - working closely with the National Coordinators' Working Group and Institutionalisation Adviser, the PJDP Management Team will undertake a desk-based analytical appraisal and reporting project with the aim of capturing and consolidating the MSC's implementation experience and lessons learned during this phase so that these experiences are available to ongoing and future regional judicial development initiatives. The Project will critically analyse and appraise the Programme's development experience during Phase 2, with specific regard to:

- The effectiveness of the Programme's strategic concept, theory of change and development trajectory, vision, guiding design principles, programmatic governance structures, capacity-building strategies, and activities;
- Stakeholders' identified needs and their critique of options for the institutionalisation of ongoing judicial development and support in the region.
- Alternative implementation options, including the value, use and extent of the Responsive Fund Mechanism as a vehicle for regional support.
- The capacity of in-PIC project management mechanisms - including existing leadership processes and procedures, innovation of the National Coordinators' Working Group, and an option to re-enliven National Judicial Development Committees (NJDCs), their purpose, composition, and functions.<sup>9</sup>

<sup>8</sup> To ensure coordination and coherence, consideration will be given to the activities of other regional initiatives in this area. To this end, discussions are currently underway to partner with UNICEF in the delivery of the proposed FVYJ pilot workshop. Furthermore, if sufficient funding is available to enable piloting of this toolkit in more than one PIC, the Programme's approach to identifying a location for subsequent training(s) would take into consideration the experience of, and the ability to coordinate with, the in-PIC activities of other regional initiatives such as UNICEF, RRRT, and PPDVP.

<sup>9</sup> As per **Resolutions 6 and 7** of the Fourth PJDP Phase 2 PEC Meeting (1-3 April, 2012 - Apia, Samoa).



The report developed under this Project will be provided to the PEC and other key stakeholders at the proposed November Meetings in Honiara.

**2.3 Regional Governance and Leadership Development Project** - will conduct a further series of four 3-day regional leadership meetings with each key stakeholder group, namely the: Programme Executive Committee; Chief Justices; and National Coordinators. The **aim** of the meetings is to promote and support effective governance of the PJDP in addressing the needs of the region and each PIC, and to provide continuity in fora for leadership dialogue on judicial development and sharing experiences. The Project will comprise:

- Completion of two PEC Meetings.
- Completion of two leadership workshops for Chief Justices.
- Complete of one leadership workshop for National Coordinators.

It is proposed that one set of leadership workshops be held adjacent to the Pacific Judicial Conference being held from 6-8 November 2012 in Honiara, Solomon Islands.

**2.4 Responsive Fund** - Feedback from counterparts during the October 2012 leadership workshops highlighted the need to retain the Fund. It is, therefore, being continued, will the **aim** of balancing the competing priorities of counterparts' desire for direct national assistance and the Programme's regional focus, enabling PICs to address national reform priorities not otherwise addressed by PJDP.

Based on the experience during Phase 2 (see discussion in **section 3.1.3**, above), there is a need to strengthen this mechanism to maximise its efficiency and effectiveness. To assist counterparts to select an appropriate approach, several options have been developed; see **Annex Two**. Assessing those options relative to: experience to-date; the limited duration of the extension period; fairness in the distribution of PJDP resources; and the availability of support to partner courts from other sources, the MSC's recommended option (as endorsed by the PEC and counterparts at the recent round of Leadership Meetings in Apia - 25 March-3 April, 2012) is that the Responsive Fund comprise:

- Activities being held in up to 7 PICs with a total budget of AUD 100,000 being allocated, and each eligible PIC being allocated up to AUD 14,285.
- The 7 PICs are eligible to receive funding on the basis that they are not any of the 5 PIC that will receive bilateral assistance from PJDP projects;<sup>10</sup> plus they are not either of the 2 PICs receiving significant ongoing assistance under bilateral assistance projects (Papua New Guinea and Solomon Islands).

Management of the Responsive Fund will be based upon the application guidelines and assessment process developed under Phase 2. Application procedures and related assessment templates have, however, been simplified to respond to feedback received. Further, the PJDP Team will explore options to delegate additional management responsibilities to each partner court based on each court's willingness and capacity to undertake these additional functions.

To allow for the efficient use of funds, applications for the extension period must be submitted by *31 July 2012*. If 7 applications in the required format are not received by this time, or the full allocation of funds is not expended by the applications received, a second round of applications will be opened to *all PJDP partner courts* on a 'first come, first served basis'. The second round of applications, if required; will close on *30 September 2012*.

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<sup>10</sup> **Namely:** Access to Justice - Pilot Project; Code of Judicial Conduct - Pilot Project; Judicial Administration - Pilot Project; Family Violence and Youth Justice Project - Awareness Toolkit Development; Performance Monitoring and Evaluation - Pilot Project.



### Component 3.0: Systems and Processes

In this thematic area, two projects are proposed: *Judicial Administration Project (JA)*; and *Performance Monitoring and Evaluation Project (PME)*.

**3.1 *Judicial Administration Project (JA)*** - will develop and pilot Regional Good Practice Time Standards with the aim of building the capacity of PICs to dispose of cases efficiently and effectively. The Project will comprise:

- Reviewing diagnostic processes and recommendations undertaken during Phase 2;
- Developing a Regional Good Practice Time Standards Toolkit;
- Piloting the Regional Toolkit in 1 PIC;
- Documenting and reflecting on the experience to refine the Regional Toolkit;
- Disseminating the Regional Toolkit to all PICs for local use; and
- Assessing the use and progress with respect to the implementation of the Development Plans drafted with Tonga, Vanuatu and Solomon Islands.

**3.2 *Performance Monitoring and Evaluation Project (PME)*** - to develop and pilot a Court Reporting Toolkit building on the Regional Monitoring Framework and data collection undertaken during Phase 2. The aim of the Project is to build the capacity of PICs to increase transparency and accountability through ongoing collection, analysis, reporting on and use of court performance data cognisant of community justice needs. The Project will comprise:

- Assisting all PICs to continue to collect and assess court performance data against 14 indicators presented in the Phase 2 baseline report to provide a second year of data;
- Developing a Court Reporting Toolkit to enable PIC courts to develop a publish annual reports containing performance data;
- Piloting the Toolkit in 1 PIC;
- Documenting and reflecting on the experience to refine the Toolkit;
- Disseminating the Regional Toolkit to all PICs for local use; and
- Assess community justice needs in order to synthesise those needs with court performance data into court development plans.

### Component 4.0: Professional Development

In this thematic area, it is proposed to deliver two projects: the *Consolidation of Regional Training Capacity Project*; and *Core Judicial Development Project*.

**4.1 *Consolidation of Regional Training Capacity Project*** - this Project comprises two sub-projects: a Capacity Building Training-of-Trainers programme to induct new members to the Regional Training Team (RTT); and an advanced-level Programme/Curriculum Development Workshop for experienced members of the RTT. The combined aim of both sub-projects is to improve the access of PICs to trainers equipped with the knowledge, skills, approach and resources necessary to competently assess needs, design, present, manage and evaluate training programmes that will build capacity in their own country and/or region.

**4.1.1 *Capacity Building Training-of-Trainers (ToT) Programme*** - This capacity-building activity will extend to 14 new trainers PJDP's new 10-day intensive certification-level training piloted in February/March 2012. The Capacity Building ToT will be based on the successful approach developed during the 18-month implementation period. The training approach will continue to be refined based on the experience gained during implementation and the feedback received to-date.

**4.1.2 *RTT Advanced-level Curriculum Development and Programme Management Workshop*** - This project will develop and pilot a new activity that builds on earlier ToT certification-level training, to refresh and





extend the presentation skills of selected RTT members. In addition, selected programme management skills will be addressed to take further steps in developing in-PIC capacity to manage judicial development programming more effectively on regional, national and local levels, specifically to: (a) identify needs; (b) develop curricula and design activities; (c) deliver services; and (d) monitor, evaluate and report on in-country activities. The project will also focus on developing the managerial and programmatic capacities of National Judicial Development Committees (NJDCs). The sub-project will produce a toolkit of training resources and materials.

**4.2 Core Judicial Development Project** - will include two sub-projects: Orientation Workshop for Lay (non-law-trained) Judicial and Court Officers; and Induction-level Decision-Making Workshop for Lay (non-law-trained) Judicial and Court Officers.

**4.2.1 Orientation Workshop for Lay Judicial and Court Officers** - This 5-day course for up to 14 participants will consolidate the regional judicial orientation programme launched in 2011 for newly-appointed lay judicial/court officers to develop capacity in terms of judicial knowledge, skills and ethical attitudes. The sub-project will also produce a toolkit of resources and materials for future reference and use by participants and the RTT. The aim of this course is to promote judicial competence by assisting new appointees to understand and apply fundamental principles of judicial functions to promote excellence in the delivery of justice across the Pacific region.

**4.2.2 Induction-level Decision-Making Workshop for Lay Judicial and Court Officers** - This 3-day course for up to 14 lay judicial and court officers will consolidate the regional decision-making training launched in 2011 for newly-appointed lay judicial/court officers to provide methods for identifying, articulating, arranging, and analysing issues of law or fact; for writing more effective judgments; for recognising and avoiding common stylistic flaws in legal writing; and for coping with other tasks ancillary to the judgment writing process. Based on the significant level of need for this training among lay judicial officers, the limit of funds available for the Extension Phase, and the ability of RTT members to provide training support to their peers in-country, it was decided to offer training to lay judicial and court officers. This approach was endorsed by PJDP stakeholders at their recent meetings in Apia (25 March-3 April, 2012).

The aims of this course are to develop the capacity and skills of lay judicial and court officers to make sound judicial decisions and to deliver judgments (whether orally or in writing) and to develop subject matter and pedagogical expertise among selected RTT.

## Component 5.0: Programme Management

The aim of this component is to: promote the effective management of all aspects of the PJDP, the promotion of collaborative and responsive programming and implementation, and the transparent administration of PJDP resources to provide high quality products and services which are owned by and deliver tangible benefits to PIC courts.

Efficient *planning and scheduling of interventions* will be critical to enable efficient management of PJDP activities. Planning will continue to be undertaken collaboratively on an ongoing basis with counterparts and beneficiaries, particularly through the regional leadership workshops and the PEC. This iterative planning allows PJDP to evolve and maximise its responsiveness and necessitate a level of flexibility regarding the definition, scope and resourcing of the activities defined in this Plan.

Efficient planning and implementation requires *streamlined management processes*. Experience dictates that there is a need for long lead-times to receive communication/information from regional counterparts. The short duration of this extension period, however, will necessitate that engagement - and management processes reliant on this - will need to be undertaken within shorter timeframes. Some streamlining of processes relating to the administration of activities have already been established and operationalised which will be continued.



**Transparency and accountability** will be provided to stakeholders and client; and to Programme management and administration. With regards to stakeholders and client, the approach adopted during Phase 2 and the development of the Extension Plan will be continued and, where possible, strengthened. The approach is based on collaborative planning including ongoing remote engagement with the NC Working Group, and physically at key leadership workshops and meetings. This will result in iterative and responsive planning that is guided by, and accountable to, the regional leadership.

With respect to management accountability and transparency of administrative processes; ongoing monitoring will be undertaken and linked closely with accurate and timely reporting on progress, risks and expenditure (discussed in detail in **Section 4.0**). This will ensure that counterparts remain apprised of Programme activities, progress and achievements. Further, implementation of the Programme will continue to use the management/administrative, financial, and reporting systems used to-date. These systems are documented in the Programmes Procedure Manual, and meet government procurement, auditing and accountability requirements.

**Quality technical assistance** will continue to be a crucial element in achieving Programme outcomes. As noted above (see **section 3.1.1**), however, some re-focussing of adviser roles has been undertaken to better address sustainability and improve cost-effectiveness of adviser facilitated activities. No new adviser-led activities are proposed except the *Family Violence and Youth Justice Project* which will be led by two New Zealand Judicial Officers and two RTT members. As a result, it is not anticipated that recruitment of new advisers will be needed during the extension period. However, should the need arise to identify additional adviser personnel, this process will be undertaken in line with the approved recruitment process adopted by the PJDP at the commencement of the 18-month implementation period.

Effective administration of PJDP **management resources** will be critical to the efficient implementation of the Programme. The level of proposed Core PJDP Team inputs has been determined to:

- enable effective and efficient management and administration of all proposed activities under this Plan; and
- promote the quality of PJDP outcomes so that technical and strategic considerations are addressed in a coherent manner.

Given the comparatively compressed timeframes for implementation and the number of projects being proposed during the extension period, a substantial number of activities are inter-linked and will be undertaken concurrently. As illustrated in the indicative work plan (see **Annex Three**), a number of separate activities will be undertaken in parallel in multiple PICs and/or regionally. Furthermore, additional workloads will be generated once Responsive Fund applications are received and mobilised.

To address the above considerations, and informed by an assessment of the management and administrative personnel needs from the 18-month implementation period, management and administrative resources have been allocated as follows:

PJDP Core Management Team	Inputs (over 12 Months)
Team Leader / Judicial Development Specialist	135 input-days
International Programmes Manager	230 input-days
Contracts Manager	110 input-days
2 Project Coordinators (12 months each)	24 input-months
Finance Officer	12 input-months



## 4.0 MONITORING AND EVALUATION

### 4.1 THEORY OF CHANGE

Over the years, the theory of change for PJEP and PJDP has variously built on the core notion that providing technical assistance to improve the competence of judicial and court officers will in due course lead to improved judicial performance and service delivery and, thereby, enhanced access to justice. This theory underlies and defines the relationship between PJDP's objectives, activities and outcomes, as articulated in the annexed Results Framework (see *Annex Four*). Hence PJDP's theory of change may be described as the notion that "institutional strengthening, through the development of management skills, and the increased availability of quality resources (in the form of technical assistance delivered regionally through capacity-building, leadership fora, toolkits and pilot projects, together with finance assistance delivered locally) will equip PICs to solve judicial development problems themselves, leading to improved service delivery and thereby law and justice outcomes " at the regional, national and local levels. . Within this broad statement are nestled, as PJDP's history indicates, a number of sub-theories of change, including: (a) strengthening judicial governance regionally will stimulate improved judicial leadership and lead into better court service delivery for beneficiaries within each PIC; and (b) providing technical assistance at the regional level will strengthen the competence of judicial institutions allowing them to improved court service delivery and improved access to justice for beneficiaries in each PIC.

During this extension, PJDP will apply this theory of change to consolidate the delivery of activities which produce outcomes that contribute to building regional and local capacity to improve beneficiaries' access to reliably consistent, competent and efficient justice.

From the outset, it is timely observe that the foundations for regional judicial development have been laid over many years of work, first in PJEP, and more recently in the earlier phase of PJDP. Within the span of the upcoming 12 month extension, which builds on the current 18-month implementation period, there is a pragmatic need to recognise the very limited opportunity to deliver strategically substantial results and impact. Within this limited opportunity, however, it is possible for PJDP to consolidate its contribution to outcomes that are measurable in attaining the programme goals of strengthening governance and rule of law in PICs through enhanced access to justice and professional judicial officers who act independently according to legal principles.

More specifically, PJDP will contribute measurably to attaining its purpose of supporting PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use through contributing to the following key programmatic outcomes during this extension period:

1. Building the capacity of 1 PIC to develop a framework to holistically and effectively address community dispute resolution needs.
2. Improving judicial knowledge, skills and attitudes relating to family violence and youth justice issues, law, contemporary practice and procedure.
3. Building the capacity of PICs to draft, revise and/or reinforce CoJCs to continue promoting the development of judicial conduct in the region.
4. Defining the direction and scope of future PJDP programming.
5. Promoting and supporting effective governance of the PJDP in addressing the needs of the region and each PIC, and providing continuity in fora for leadership dialogue on judicial development and sharing experiences.
6. Balancing the competing priorities of counterparts' desire for direct national assistance and the Programme's regional focus, enabling PICs to address national reform priorities not otherwise addressed by PJDP.
7. Building the capacity of PICs to dispose of cases more efficiently and effectively.



8. Building the capacity of PICs to increase transparency and accountability through ongoing collection, analysis, reporting on and use of court performance data relating to community justice needs.
9. Improve the access of all PICs to trainers equipped with the knowledge, skills, approach and resources necessary to competently assess needs, design, present, manage and evaluate training programmes that will build capacity in their own country and/or region.
10. Promoting judicial competence of new-appointees to apply fundamental principles of judicial functions to promote excellence in the delivery of justice across the Pacific region.
11. Develop the capacity and skills of lay judicial and court officers to make sound judicial decisions and to deliver judgments and to develop subject matter and pedagogical expertise among selected RTT.
12. Promote the effective management of all aspects of the PJDP, the promotion of collaborative and responsive programming and implementation, and the transparent administration of PJDP resources to provide high quality products and services which are locally tailored to deliver tangible benefits to PIC courts.

## 4.2 RESULTS FRAMEWORK

The PJDP will be monitored and evaluated (M&E) by reference to a results framework. The framework builds on the Monitoring and Evaluation Framework developed in Phase 2 to focus on progress made towards the achievement of the end of year targets and the extent to which they contribute to longer term goals.

The Results Framework is complemented by the ongoing collection and assessment of court performance data from all PICs pursuant to the Performance Monitoring and Evaluation Project. Base-line data has been collected and reported, but is not yet available across all indicators from all PICs. Second year court performance data will be collected during the extension period allowing trends in judicial and court performance to be identified while also establishing more comprehensive M&E of PJDP and other judicial and court development activities to be undertaken in the future.

## 4.3 REPORTING AND MILESTONES

The approach to reporting aims to maximise accountability and effective (formal) communication with the PEC. By limiting progress reporting to quarterly milestones time consuming administration and development of ad hoc reports is minimised. Consequently, it is proposed that the following reports are submitted during the Extension Phase:

- Milestone 1: Quarterly Progress Report, 1 October 2012
- Milestone 2: Six Monthly Progress Report, 31 December 2012
- Milestone 3: Quarterly Progress Report, 1 April 2013
- Milestone 4: Annual Progress Report, 30 June 2013.

In addition, at the completion of each project, a Project Completion Report will be submitted by each Adviser to the PJDP Team. All completion reports will be made available to the PEC as required and will be used to report progress against the Results Framework. Furthermore, Exception Reports will be submitted to the PEC should any exceptional circumstances arise which impact the achievement of PJDP objectives.

## 4.4 RISK ANALYSIS AND MANAGEMENT

Four material risks have been identified along with the strategies to manage, respond to and ameliorate them (see table below). The PJDP Team will continue to actively manage risks by consulting with local



stakeholders and Advisers to identify and mitigate risks progressively over the course of the Extension Phase. This ongoing assessment of risks will be reported on as part of periodic reports outlined above.

Risk	Result	How Risk will be Addressed
<p>1. That a disconnect exists between the priorities articulated by partner courts, their understanding of what these priorities entail, and the available human and related resources that partner courts can make to build local development leadership capacity to maximise the institutionalisation of the PJDP.</p>	<p>Activities may not proceed, or may not proceed as endorsed by the PEC. Involvement in Programme activities by PIC nationals may be minimised as will the opportunity to maximise the sustainability of the outcomes of the activities.</p>	<p>Continued dialogue with the leadership in each PIC to ensure that they understand the scope and direction of the activities within the 18-Month Implementation Plan and subsequent planning documentation, so that they fully endorse planned activities and are able to commit appropriate local resources to support implementation.</p> <p>In addition, planning discussions for post June 2012 implementation will commence as part of the upcoming PEC Meeting, as well as the Chief Justices' and National Coordinator's workshops in Vanuatu to allow for extended consultations to occur.</p>
<p>2. Natural disasters impact on the PJDP's ability to implement planned activities</p>	<p>Inability of the Programme to implement regional or bilateral activities, potentially on short notice.</p>	<p>While this risk cannot be mitigated, the Team will be alert to the threat of natural disasters and will, where budget parameters allow, purchase refundable air tickets and book refundable accommodation to minimise the impact and cost to MFAT of activities not taking place or being delayed at short notice.</p> <p>Immediate notice of any such situation will be given to participants and MFAT to minimise the impact on partner courts, participants and programme management. Should there be an impact on the MSC's resourcing, personnel contingency amounts can be used to provide for additional backstopping/support to enable ongoing management of unaffected Programme components.</p>
<p>3. Lack of motivation / capacity by in-country stakeholders to undertake the work required to monitor progress and/or achieve identified PJDP outcomes.</p>	<p>Activities will not improve performance or governance at the local level and PICs will not achieve the outcomes they seek and PJDP will not be able to achieve identified outputs / outcomes</p>	<p>1. Consultation throughout implementation to further refine activities (in particular through the Responsive Fund mechanism) to promote relevance of intervention and provide motivation for PICs to engage with the Programme.</p> <p>2. CJs/NCs will be requested to sign letters of exchange defining activity-related responsibilities, acknowledging the local court's ability to mobilise the necessary resources to support or undertake the proposed activity and the commitment of senior leaders to provide necessary motivation to other stakeholders.</p> <p>3. During activities, ownership and accountability for outcomes will be promoted by sharing frameworks amongst leaders to demonstrate how focus areas can be dealt with at a local level.</p> <p>4. Ongoing technical and management support will be provided to stakeholders along with additional funding</p>



Risk	Result	How Risk will be Addressed
		opportunities (the Responsive Fund mechanism or other donor resources) to support the localisation of regional activities.  5. PIC stakeholders, particularly NCs will be guided and supported to monitor, evaluate and report on activities/projects to ensure that this useful data can be collected and analysed by the Programme.
4. Partner Court engagement is limited because regional aspects of a bi-lateral Project result in a perception that activities do not address a specific bi-lateral need.	Reduced engagement by counterparts limiting potential Programme benefits at both the national and regional levels	PJDP Advisers to ensure that counterparts are closely involved in the development country-based work plans, and that ongoing consultations with counterparts / stakeholders occurs throughout implementation to inform and guide implementation. Advisers will also ensure that activities address concrete need(s) at the bi-lateral level, then using these concrete examples to inform regional aspects of each Project.

## 5.0 EXPENDITURE SUMMARY

The total budget for the 18 Month Implementation Plan is AUD 1.9 million. Compared to the Phase 2 budget (calculated for an equivalent 12 month period), the total budget available for the Extension Plan is **reduced** by just over **18.6%**.

The budget developed has been refined in light of the approvals and direction received at the recent round of leadership meetings in March/April 2012. Further to these revisions the full budget for the Extension Plan totals **AUD 1,900,000**. In the event that an under-spend occurs, one or more 'reserve activities' will be presented to the PEC for approval so that these can be mobilised and available funds used. Several reserve activity options have been developed as listed in **Annex 6**.

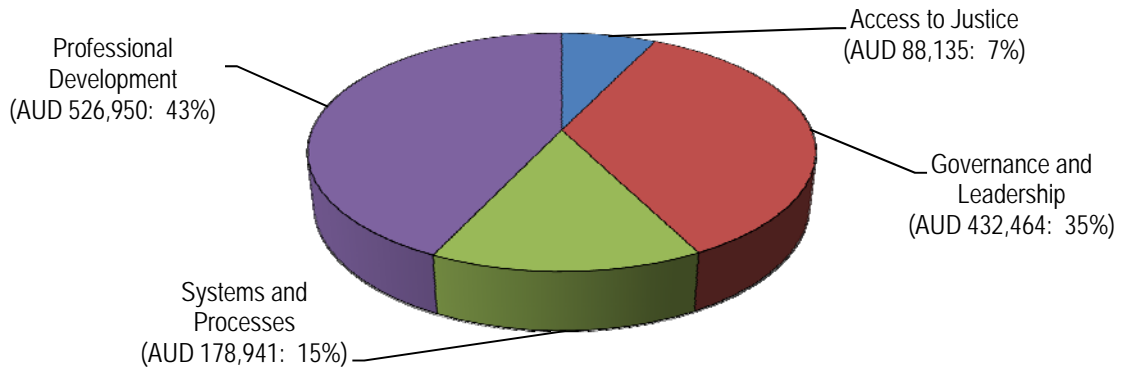
The full budget, broken down by component, is as follows:

PJDP Component / Pillar	Total (AUD)
1.0: Component One - Access to Justice	AUD 88,135
2.0: Component Two - Governance	AUD 432,464
3.0: Component Three - Systems and Processes	AUD 178,941
4.0: Component Four - Professional Development	AUD 526,950
5.0: Component Five - Programme Management	AUD 673,510
<b>Total 12 Month Extension Plan Budget:</b>	<b>AUD 1,900,000</b>

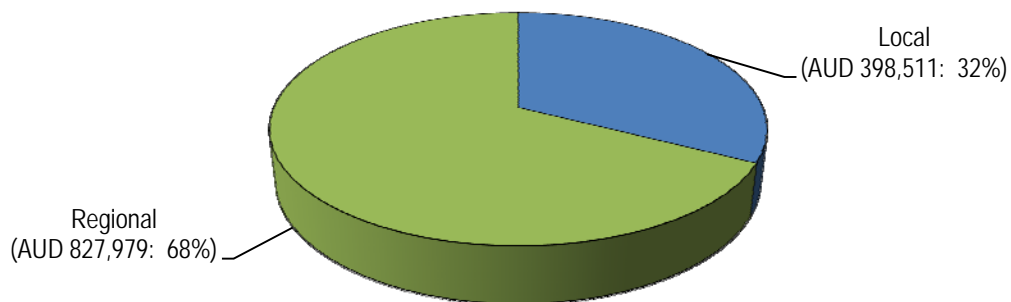
A more detailed summary of budget allocations is found in **Annex Five**. Some key information, however, is presented graphically below:



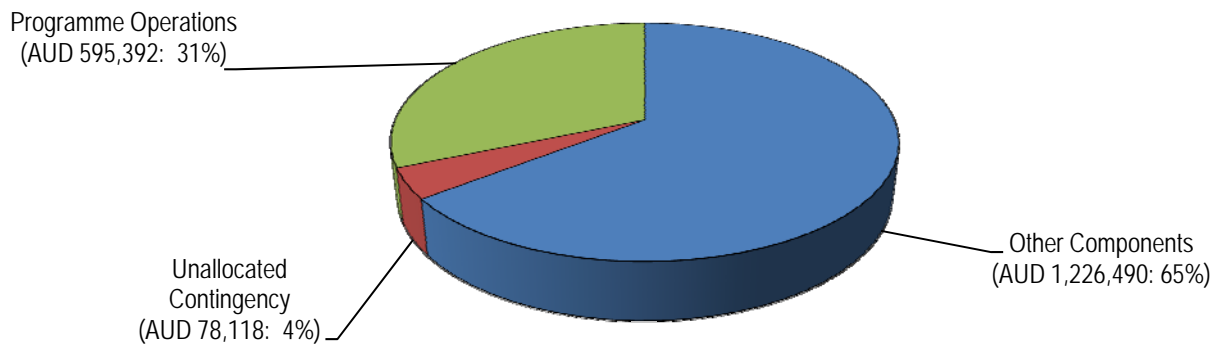
**Allocation by Technical Component (Components 1-4)**



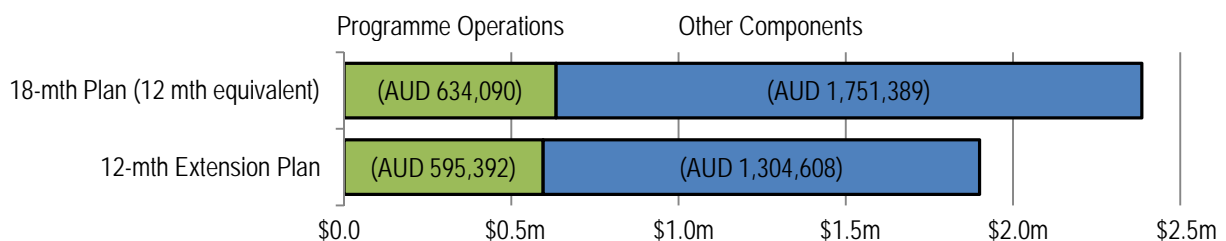
**Breakdown of Costs - Local against Regional Activities (excluding Management costs)**



**Breakdown of Costs - Management against Technical Components**



**Breakdown of Costs - Management against Technical Components**





## ANNEXES





## ANNEX ONE - SUMMARY OF THE JUDGES AND COURT DEVELOPMENT NEEDS ASSESSMENT REPORT

### Needs Assessment - Key Findings

The consultations with counterparts were very fruitful for refining the programmatic approach. In particular, the surveys provide PJDP with an unprecedented wealth of data from more than 120 respondents on judicial and court development needs. These two surveys of judicial service providers and service users across the Pacific region are the first ever methodically-sound statistical surveys of stakeholders in the history of the PJEP and PJDP. They therefore provide the most detailed data of stakeholders' perceptions of the development needs available.

A summary of the key findings of this research is outlined below:

- i. *Prior training* - Almost sixty per cent of service provider respondents received job-related training prior to becoming a judicial officer or court officer mainly in criminal and civil law and procedure. 81%, however, have received in-service training since appointment mainly in professional skills, judicial role and ethics, criminal law and procedure, court administration and case management. Almost all (93%) rated this in-service training as quite or extremely useful.
- ii. *Caseloads* - The caseloads of service-providing respondents varies from country to country. Across the region, however, the majority of cases (84.4%) are made up of; criminal (34.46%), civil (26.44%), and customary/land (23.53%) matters.
- iii. *Access to resources* - Most respondents reported that they have adequate access to written decisions of superior courts (86.30%), to statutes and regulations (79.73%), and to materials on court practice and procedure (72.55%). Significantly, however, lay magistrates indicated substantially lower access to materials on court practice and procedure (50.00%). Most respondents also reported having inadequate access to text books on law (47.95%) and professional support/guidance (45.21%).
- iv. *Nature of needs* - Significantly, both service providers and users agree on the priorities of training needs, ranking these needs in the following order of importance: to acquire practical skills as judicial or court officers (75.66% and 80.16%), acquire information on law and court procedures (73.48% and 66.17%), improve understanding of professional role (67.43% and 60.82%), solve day-to-day problems in special cases (66.80% and 69.26%), keep up to date with new laws and development (59.24% and 59.72%), and improve professional responsibility and ethics (58.48% and 63.85%).  
All respondents also generally rank the *content* of these needs in the following order of importance: professional skills (77.61% and 73.31%), court administration and case management (74.72% and 70.06%), criminal law and procedure (71.91% and 74.38%), civil law and procedure (68.03% and 63.66%), judicial role, ethic and conduct (64.28% and 67.91%), land/customary law (61.55% and 66.37%). Cross-cutting themes, family law and procedure and business/commercial law and procedure were ranked as least important. Once disaggregated by role, highest priority needs are: professional skills for judicial officers (85.71%); court administration and case management for court officers' (73.54%); and criminal law and procedure for lay magistrates (72.12%), respectively.  
Similarly, service providers and users generally agree on ranking the importance of the *levels* of needs to be addressed: induction/pre-service (75.34% and 77.94%), update/in-service (71.43% and 70.14%), networking/experience-sharing (62.84% and 64.29%), and specialist (48.61% and 50.74%). Once disaggregated by years of service, highest priorities are: induction / orientation for respondents from both '0-5' years' experience; and update / refresher for respondents from both '6-10' and '11 +' years' experience.
- v. *Preferred faculty and format* - Respondents ranked resource-persons in the following order of preference: respected judges (89.06%), other experts (59.38%) and university lecturers (55.38%). They ranked the format of activities in the following order of preference: participatory



seminars/workshops (84.70%), on-the-job mentoring (70%), formal lectures (60.77%), self-directed research/reading (40.48%).

- vi. *Perceptions of court service quality* - There is general unanimity between service providers and court users in their perceptions of the quality of key aspects of their local Courts, defined in terms of the PJDP's four thematic areas. These perceptions of the quality of the Courts are as follows: access to justice (71.36% and 67.48%), leadership and good governance (70.89% and 73.98%), expertise and professionalism (67.59% and 69.92%), and systems and procedures (63.96% and 56.10%). These findings highlight the relatively uniform perceptions on the low quality of court systems and to a lesser extent of expertise and professionalism. Significant variation exists, however, over access to justice, where service providers assessed access most positively, while service users assessed access as their second least favourably.

## Significance of Findings

The major significance of these findings is that they identify and describe with unprecedented detail the beneficiaries of PJDP, their professional development experiences, their perceptions of the utility and effectiveness of these experiences, and their priorities for ongoing development and training needs. While these perceptions are just that - being subjective and perceptual - as a representative sampling of court users from across the region they broadly align with the perceptions of other regional stakeholders consulted in the needs assessment. Importantly, there is an overarching correlation in the perceptions of service providers and users in most aspects of these surveys, which methodologically increased the reliability of this data and the validity of these findings.

## Programme Goals and Objectives, Strategies and Activities

These findings are very valuable. They are directly relevant and timely in validating the proposed direction, content and focus of ongoing PDJP (Phase 2) activities. In essence, these findings provide the programmatic justification for the *goal and objectives* of PJDP to promote justice in the Pacific through dual *strategies* to: strengthen the organisational capacity of courts; and improve the professional competence of justice service providers.

Analysis of stakeholders' needs, criteria and priorities as outlined above, is elemental in designing the PJDP 18 Month Implementation Plan. In consequence, the Plan will focus on providing ten classes of *activities*, these being to:

1. supply practical assistance to judicial and court officers in performing day-to-day duties mainly in adjudicating and administering criminal, civil and land cases;
2. support judicial leadership, notably, ethical standards;
3. provide accurate information on criminal and civil law and procedures;
4. promote core professional skills of judging and judicial administration;
5. explain the judicial function and role, particularly to lay actors;
6. strengthen capacity in court administration, systems and procedures;
7. prioritise orientation training, and in-service updating and experience-sharing;
8. develop local capacity of judges and court officers by providing training-of-trainers;
9. conduct interactive seminars and practical workshops; and
10. publish selected materials on court practice and procedure.



## ANNEX TWO - RESPONSIVE FUND MECHANISM: IMPLEMENTATION OPTIONS

### Rational for Proposed Re-structure of the Responsive Fund:

1. Not all PICs applied for funding (4 did not apply within the extended deadline, although they are currently in the process of crafting applications). 50% of those who applied, did so at the 11<sup>th</sup> hour
2. Few (4) PICs applied for the maximum available, the average applied for was AUD 8,000
3. Substantial assistance from the PJDP Team was required to complete all application processes, implement and finalise most activities

**Recommended Option:** Offer funding only to PICs not otherwise receiving bilateral assistance from PJDP or significant ongoing bilateral assistance from another donor funded project (include streamlining of some aspects of the application process).

1. Allocation would be to 7 PICs (excluding the 5 [potentially] to receive bilateral assistance from PJDP pilot projects [Access to Justice, CoJC, JAP, PME, FVYJ] along with PNG and Solomon Islands which have significant ongoing assistance available under bilateral AusAID projects).

Assuming Responsive Fund allocation is AUD100,000 (the pro-rata equivalent of the 18-month Implementation Plan allocation), each eligible PIC would be allocated AUD 14,285

**Advantages:** attempts to provide an equal opportunity for PICs to engage in development / reform cognisant of other PJDP activities and bilateral projects

**Disadvantages:** Potentially alienates some PICs who will not be able to access the RF; relevance to these 'excluded' PICs of RF sessions/discussions at regional meetings will be low; and settling which PICs will be 'hosting' pilot projects will need to be settled very early on (in the March meetings?);

### Alternate Option 1: Strengthen what we have.

1. Remind CJs at their next meeting about the availability of funds, the need to articulate a national development priority not otherwise met by PJDP and dedicating adequate resources to enable the activity to be well managed.
2. Simplify the application form (to remove development jargon and separate questions to make answering it easier) and provide more in-depth training on completing it and project managing activities at the next NC workshop.
3. To increase immediacy of consideration by PICs, set the deadline for receipt of applications at 29 July 2012.
4. If all PICs do not apply, or all of the funding available is not committed, all PICs will be able to make a further application on a 'first-come-first-served' basis until the Fund is expended, or to the close of second-round applications on 31 December, 2012.
5. Dedicate more PJDP Team resources (management and logistics) to the Fund.

**Advantages:** maintains the same structure etc that stakeholders are familiar with.

**Disadvantages:** some PICs will 'get' more from PJDP than others as some PICs will undertake bilateral / pilot activities as part of PJDPs core projects.



**Alternate Option 2:** Restrict applications to the implementation of core projects by advisers.

1. 5 RF allocations of up to AUD 30,000 are provided to allow for up to 4 weeks of adviser time and potentially one in-PIC visit.
2. The limited number of applications makes the process more competitive, thereby providing an incentive for expedient applications.
3. Advisers would need to be involved in developing the applications and implementing activities which addressed the varying project design/management skills across the region.
4. To maximise opportunity, several PICs may group together to access one adviser. The adviser would undertake only remote inputs, but part of the allocation could be used to conduct a short group activity before/after one of the other regional meetings with a member of each of the participating PICs working with the adviser face-to-face.

**Advantages:** It provides a mechanism to foster the regional nature of the PJDP; and Adviser involvement in the application development process will probably result in more 'approvable' RF applications

**Disadvantages:** 4 PICs will receive no direct support from PJDP during the extension; linking engagement with an existing regional meeting / activity may not be practically feasible as it depends on counterparts for the Adviser activities being the same as those attending the regional activity; is it feasible to not have in-country activities when implementing a toolkit/pilot?; and it may be difficult for advisers to be flexible with their availability and have sufficient time to develop a methodology/application and implement it.

**Alternate Option 3:** Option 1 + Combine with regional training budget.

1. Each PIC can access approximately AUD 18,000. This more or less equates to 3 individuals, each participating in the equivalent of 1 week of PJDP regional training (i.e. it costs approximately AUD 6,000 per person, per training-week).
2. PICs then have a choice of whether they would prefer to:
  - a. participate in up to 3 of the regional training activities (Orientation, DM, ToT, RTT); or
  - b. use some or all of their AUD 18,000 allocation for a 'standard' RF application to address a higher local priority.

**Advantages:** increases counterpart driven involvement in activities and makes PJDP activities as a whole more responsive to PIC needs/priorities.

**Disadvantages:** some PICs will on aggregate, get more than others, as some will receive bilateral assistance through PJDP pilot projects; and there is the potential for this approach to be somewhat more complex if one or more activities are under-/over-subscribed to by counterparts.

**Alternate Option 4:** Replace adviser inputs with sub-regional applications for TA to implement core project toolkits.

1. Overall budget could be increased to include TA budget totals.
2. 2-5 PICs group together to work with an adviser to develop and implement a joint 'toolkit'.
3. Adviser Inputs would be remote.
4. There may be a sub-regional get-together where individuals from the participating PICs that plan to come to a regional activity can meet up as a small group before/after the regional meeting.
5. Applications would be competitive (first in-first served...)



**Advantages:** this approach: makes the RF a more regional and regionally relevant process; is more responsive; provides TA support to address variable project design/management skills; enables all PICs can participate (if interested/willing).

**Disadvantages:** does not allow PIC to implement niche activities addressing small scale local needs; is it feasible to not have in-country activities when implementing a toolkit/pilot?; and linking engagement with an existing regional meeting / activity may not be practically feasible as it depends on counterparts for the Adviser activities being the same as those attending the regional activity.



### ANNEX THREE - INDICATIVE 12-MONTH EXTENSION PERIOD WORK PLAN

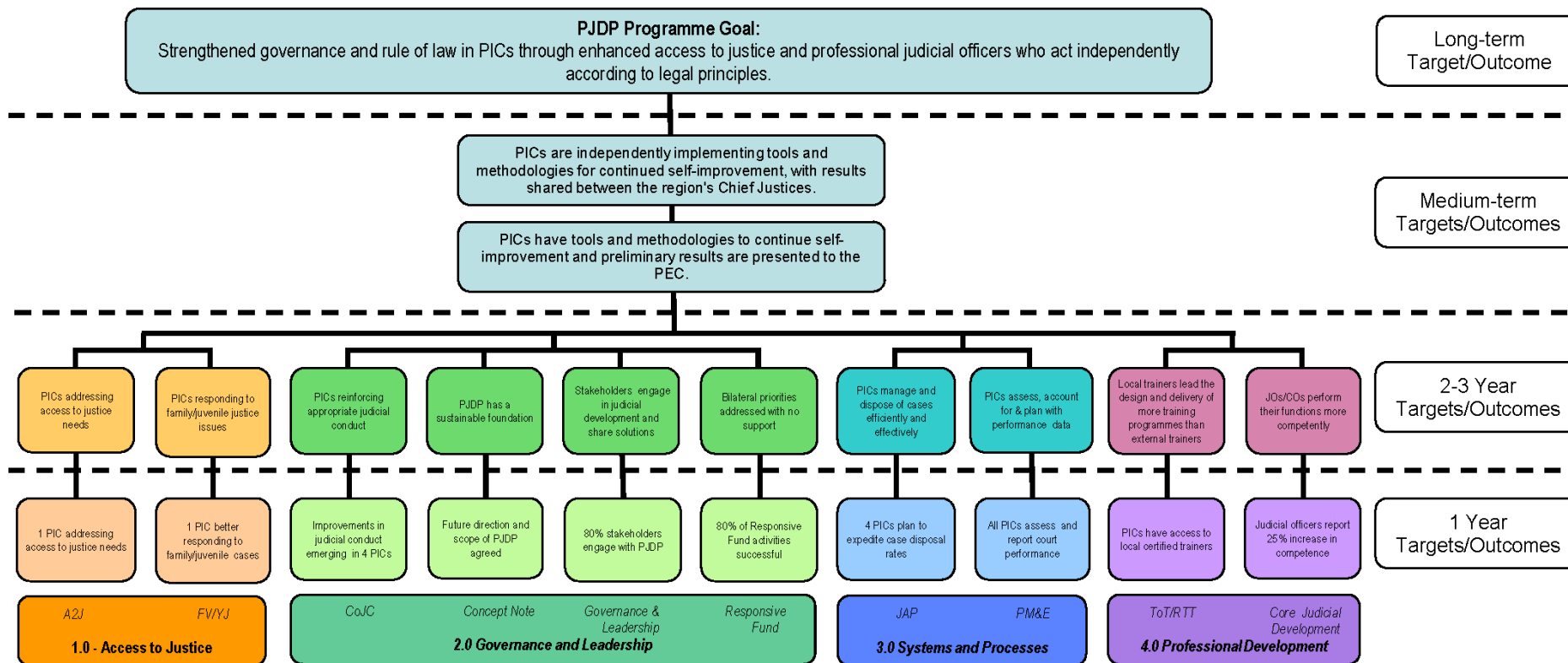
Role	Responsibility	2012						2013						
		Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	
<b>1.0 Access to Justice</b>														
<b>1.1 Access to Justice Project (Tuvalu)</b>														
1.2.1	Assess community dispute resolution Develop Access to Justice Plan in Tuvalu													
1.2.2	Second in-country visit (if required)													
1.2.3	Identify options for a new 'home' for the Access to Justice Project													
1.2.4	Develop and disseminate <i>Regional Toolkit for Engaging With Customary Systems to all PICs for local use</i>													
<b>1.2 Family Violence and Juvenile Justice Project - Awareness Toolkit Development (Palau)</b>														
1.2.1	Design training resources / materials toolkit for 2-3 day workshop (ongoing from pre-July)													
1.2.2	Pilot <i>FV/YJ Workshop Toolkit</i> in Palau													
1.2.3	Disseminate <i>FV/YJ Workshop Toolkit</i> to all PICs for local use													
<b>2.0 Governance and Leadership</b>														
<b>2.1 Codes of Judicial Conduct (CoJC) Project (Samoa)</b>														
2.1.1	Development <i>CoJC Development Toolkit</i>													
2.1.2	Pilot <i>CoJC Development Toolkit</i> in 1 Samoa													
2.1.3	Remote assessment of CoJC matters from earlier inputs and other support to Niue, Tuvalu and Kiribati, as required													
2.1.4	Disseminate <i>CoJC Development Toolkit</i> to all PICs for local use													
<b>2.2 Analytical Appraisal of Regional Judicial Development</b>														
2.2.1	Commence development of Experience and Lessons Learnt Report													
2.2.2	Submit to regional Leadership Meeting(s) for discussion and sign-off													
<b>2.3 Regional Governance and Leadership Development Project</b>														
2.3.1	Programme Executive Committee Meetings (x 2 meetings)													
2.3.2	Chief Justices' Regional Leadership Workshops													
2.3.3	National Coordinators' Regional Leadership Workshop													
<b>2.4 The Responsive Fund Mechanism</b>														
2.4.1	First Round of Applications (open to: Cook Islands, FSM, Marshall Islands, Nauru, Niue, Tonga & Vanuatu) - Close of Submissions													
2.4.2	Second Round of Applications (open to: all PICs) - Close of Submissions													



Role	Responsibility	2012						2013						
		Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	
<b>3.0 Systems and Processes</b>														
<b>3.1 Judicial Administration Project (JA) - Pilot Project (Kiribati)</b>														
3.1.1 Develop <i>Good Practice Time Standards Toolkit</i>	JA Adviser	.....												
3.1.2 Pilot <i>Good Practice Time Standards Toolkit</i> in Kiribati	JA Adviser, Kiribati NC/RTT		■ - Kiribati: 14-31 July, 2012 (TBC)											
3.1.3 Second in-country visit (TBC)	JA Adviser, Kiribati NC/RTT				.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3.1.4 Assessment of use of / progress against Registry Development Plans developed in Vanuatu, Tonga, and Solomon Islands	JA Adviser, Kiribati NC/RTT				.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3.1.5 Disseminate <i>Good Practice Time Standards Toolkit</i> to all PICs for local use	JA Adviser, Local NC/RTT								.....	.....	.....	.....	.....	.....
<b>3.2 Performance Monitoring and Evaluation (PME) Project (Tokelau)</b>														
3.2.1 Assist PICs to collect, collate and analyse 2 <sup>nd</sup> year court performance data	PM&E Adviser, Local NCs/RTT	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3.2.2 Develop ' <i>Court Reporting Toolkit</i> '	PM&E Adviser	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3.2.3 Pilot <i>Court Reporting Toolkit</i> in Tokelau (activity undertaken in Apia)	PM&E Adviser, Tokelau NC/RTT				■	.....	.....	.....	.....	.....	.....	.....	.....	.....
3.2.4 Disseminate <i>Court Reporting Toolkit</i> to all PICs for local use	PM&E Adviser, Local NC/RTT								.....	.....	.....	.....	.....	.....
<b>4.0 Professional Development</b>														
<b>4.1 Consolidation of Regional Training Capacity Project</b>														
<b>4.1.1 Capacity Building Training-of-Trainers Programme</b>														
4.1.1.1 Refine and Further Develop Regional Capacity Building ToT Workshop	ToT Advisers, RTT								.....	.....	.....	.....	.....	.....
4.1.1.2 Hold Regional Capacity Building ToT Workshop	ToT Advisers, RTT										■	.....	.....	.....
4.1.2 RTT Advanced-level Curriculum Development and Programme Management Workshop														
4.1.2.1 Develop RTT Advanced-level CD & PM Workshop	RTT Advisers, JO		■	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
4.1.2.2 Hold RTT Advanced-level CD & PM Workshop	RTT Advisers, JO				■	.....	.....	.....	.....	.....	.....	.....	.....	.....
<b>4.2 Core Judicial Development Project</b>														
<b>4.2.1 Orientation Workshop (Lay) JOs and COs</b>														
4.2.1.1 Refine and Further Develop Regional Lay JO & CO Orientation Workshop	Orientation Advisers, JOs, RTT				■	.....	.....	.....	.....	.....	.....	.....	.....	.....
4.2.1.2 Hold Regional Lay JO & CO Orientation Workshop	Orientation Advisers, JOs, RTT								■	.....	.....	.....	.....	.....
<b>4.2.2 Decision-Making Workshop (Lay) JOs and COs</b>														
4.2.2.1 Refine and Further Develop Regional Lay JO & CO DM Workshop	DM Adviser, RTT													
4.2.2.2 Hold Pre-Training RTT Workshop and Regional Lay JO & CO DM Workshop	DM Adviser, RTT												■	.....
<b>5.0 Programme Management</b>														
5.1 Quarterly Reporting	PJDP Team				★	.....	.....	.....	.....	.....	.....	.....	.....	.....
5.2 Completion Report	PJDP Team													★



### ANNEX FOUR - RESULTS DIAGRAM AND FRAMEWORK







Target (years 2-3)	Target (year 1)	Baseline 2010	Progress against baseline	Output	Indicator	Verification / Source	Who
<b>Programme Goal: Strengthened governance and rule of law in Pacific Island Countries through enhanced access to justice and professional judicial officers who act independently according to legal principles</b>							
All PICs report a continuing positive trend in court performance, transparently accounting for performance and routinely using performance data to forward plan.	All PICs have court and judicial performance feedback from court users and demonstrate a positive trend in internal court performance data.	PICs have: no common set of indicators to assess court performance or performance enhancement models to transpose, no regional governance mechanisms to institutionalise judicial development or manage internal governance / ethics, an unquantified number of marginalised prospective court users and a significant number of lay judicial officers.	PICs have a common set of indicators to assess court performance and a regional approach to institutionalise judicial development. 3 PICs have codes to manage internal governance/ethics. There remains an unquantified number of marginalised prospective court users and some of the significant number of lay judicial officers have received training.	PICs provide second year court performance data	Perceptions of quality, professionalism, accessibility, efficiency and reliability of judicial services.	PIC courts and court users' surveys.	PME TA
				Courts aware of what court users' needs are			
				Interested PICs have qualitatively and quantitatively assessed court performance and judicial development and participated in self-improvement activities to strengthen governance, access to justice, judicial administration and professionalism.	Evidence of progress against judicial development and court performance goals in each PIC.	Statistical data collected by PIC courts.	
<b>Programme Purpose: To support PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems that they use.</b>							
PICs are independently implementing tools and methodologies for continued self-improvement, with results shared between the region's Chief Justices.	PICs have tools and methodologies to continue self-improvement and preliminary results are presented to the PEC.	PICs have: no common set of indicators to assess court performance or performance enhancement models to transpose, no regional governance mechanisms to institutionalise judicial development or manage internal governance / ethics, an unquantified number of marginalised prospective court users and a significant number of lay judicial officers.	PICs have a common set of indicators to assess court performance and a regional approach to institutionalise judicial development. 3 PICs have codes to manage internal governance/ethics. There remains an unquantified number of marginalised prospective court users and some of the significant number of lay judicial officers have received training.	Pilot PICs are developing, implementing or practising the use of tools and methodologies to continue self-improvement efforts.	Quality and perceptions of benefit of: 1. PIC court coordinating with informal justice systems. 2. Communication and sharing of experience with other PICs through PJDP activities. 3. Judicial conduct structures. 4. Performance monitoring and programming actions to improve performance. 5. Case process re-engineering and documentation of process. 6. Planning and delivery by local actors of needs-based training and provision of resources.	Stakeholders' surveys / interviews conducted by NCs	MSC



Target (years 2-3)	Target (year 1)	Baseline 2010	Progress against baseline	Output	Indicator	Verification / Source	Who
<b>1.0 Access to Justice</b>							
<b>1.1 Access to Justice Project</b>							
PICs holistically addressing community dispute resolution needs	Judiciary in 1 PIC has capacity and framework to holistically and effectively address community dispute resolution needs	Inadequate data about informal justice service providers (and low levels of know-how) to enable judicial leadership to assess, plan and direct an integrated process of in/formal justice services. There is disharmony between in/formal justice systems in the region. No evidence-based strategy exists to integrate in/formal justice systems in the region.	Data is known about informal justice service providers in 3 PICs but low levels of know-how to enable judicial leadership to assess, plan and direct an integrated process of in/formal justice services. There is disharmony between in/formal justice systems in the region but an evidence-based strategy exists to integrate in/formal justice systems in the region.	Access to Justice Plan developed and results from pilot to develop it assessed	Quality of Access to Justice Plan including incorporation of community dispute resolution needs	Access to Justice TA report & PEC/CJ assessment minuted	Access to Justice TA / MSC
				Regional Toolkit developed and disseminated to other PICs	Community reports to PIC court improvements in addressing its dispute resolution needs		
				Recommendations for future home for Access to Justice Project	Quality of Regional Toolkit and of local participation in its development		
PICs responding competently to family/juvenile justice issues	Improvements in judicial officers' competence to manage family/juvenile cases in 1 PIC	No baseline ascertained	Judicial officers are not aware of and/or not appropriately responding to family violence and juvenile justice issues.	Improvements in awareness, knowledge, skills and attitudes relating to relevant issues, law, contemporary practice and procedure.	Number of judicial officers trained and quality of training, including relevance, usefulness, skills and knowledge gained	Pre/post-workshop participant self-assessments	TA
<b>2.0 Governance</b>							
<b>2.1 Codes of Judicial Conduct Project</b>							
PICs have drafted, revised and reinforce appropriate judicial conduct	Improvements in judicial conduct emerging in 4 PICs	No CoJCs exist in the region that are based on and adapted from internationally recognised principles such as the Bangalore principles of judicial conduct.	3 CoJC exist in the region based on internationally recognised principles.	Regional Toolkit developed	Quality of Regional Toolkit / CoJC and of local participation in their development	CoJC TA report & PEC/CJ assessment minuted	CoJC TA / MSC
				Approved CoJC in 1 PIC			
				Regional Toolkit piloted, results assessed and disseminated to other PICs with the Toolkit			



Target (years 2-3)	Target (year 1)	Baseline 2010	Progress against baseline	Output	Indicator	Verification / Source	Who
				PIC report on improvements in; understanding, use and adherence to CoJC	Level of improvements in judicial conduct	Self-assessment by JO and CO user surveys	NC
<b>2.2 Analytical Appraisal of Regional Judicial Development</b>							
Pacific judicial development has a sustainable foundation/programme support	Future direction and scope of PJDP agreed by key stakeholders	No PIC driven options to institutionalise judicial development in the region. Institutionalisation of judicial development not regionally coordinated.	PIC driven options to institutionalise PJDP has been developed and endorsed for regional coordination.	Analytical Appraisal of Regional Judicial Development Drafted	Analytical Appraisal submitted to PEC	PEC/CJ assessment minuted	MSC
				Submission of and briefing on the Analytical Appraisal to the final PEC and Leadership meetings.	Quality of Analytical Appraisal including consultation with stakeholders, continuity of PJDP activities, sustainability and value for money	Analysis annexed to concept	MSC
<b>2.3 Regional Governance and Leadership Development Project</b>							
Senior stakeholders are actively engaged in judicial development and sharing solutions to common challenges	80% of key stakeholders engage with PJDP, consider it relevant and it facilitates sharing solutions to common challenges	Low levels of judicial leadership of development on national and regional levels.	Increasing levels of judicial leadership of development on national/regional levels.	Key stakeholders are engaged with, and provide input and strategic direction to PJDP Projects and share solutions to common challenges	Number of meetings conducted Participants' perceptions of the quality of the workshop and engagement with PJDP and regional counterparts to address common challenges	Reports including participants' evaluations x 4	MSC
<b>2.4 Responsive Fund</b>							
PICs successfully address bilateral development priorities with no external support	80% of Responsive Fund expended, 80% of activities achieve their aims and with less support from the PJDP Team.	Not applicable	All PIC have applied for Responsive Funding and are at varying stages of activity implementation.	All eligible PICs apply for and deliver successful projects addressing national reform priorities	Number of Responsive Fund applications approved and activities successfully delivered	NC reports	NC



Target (years 2-3)	Target (year 1)	Baseline 2010	Progress against baseline	Output	Indicator	Verification / Source	Who
<b>3.0 Systems and Processes</b>							
<b>3.1 Judicial Administration Project</b>							
PICs manage and dispose of cases efficiently and effectively	Judiciary in 4 PICs progressing with plans to expedite case disposal rates	Approaches to using judicial and court administration data for diagnosis (problem identification) and treatment (local development plans) are inconsistent across the region. There is no regional strategy or local development plans in each PIC to improve court operations (including registry systems and processes).	Diagnoses of judicial administration have been undertaken in 3 PICs to inform a regional strategy to identify and solve problems and local development plans have been approved in those 3 PICs.	Regional Toolkit developed	Quality of Regional Toolkit and of local participation in their development	JA TA report & PEC/CJ assessment minuted	JA TA / MSC
				Regional Toolkit piloted, results assessed and disseminated to other PICs with the Toolkit			
				Progress in 3 PICs implementing plans approved during Phase 2 assessed	Each PIC has initiated implementation of its reform plan		
<b>3.2 Performance Monitoring &amp; Evaluation Project</b>							
PICs routinely assess and transparently account for performance using data in forward planning	All PICs have increased capacity to assess court performance and 1 PIC increases transparency of and accountability for court performance	There is no PIC judicial and court baseline data utilising a common set of indicators.	Judicial and court baseline data has been collected in 14 PICs using a common set of 14 indicators.	Court Reporting Toolkit developed	Quality of Regional Toolkit and of local participation in their development	PME TA report & PEC/CJ assessment minuted	PME TA / MSC
				Regional Toolkits piloted, results assessed and disseminated to other PICs with the Toolkits	Annual report published by 1 PIC and quality of the data contained in the reports		
				Year 2 court performance trend data reported by PICs	Quality and breadth of data reported (acknowledging baseline during Phase 2 was low)	PME TA report	PME TA
					Frequency and nature of references to performance data in court administrative and planning documents	NCS / PIC Courts	
1 PIC better understands what actual/potential court users needs	Quality of consultation with actual/potential court users	Stakeholder surveys/dialogue and TA report					



Target (years 2-3)	Target (year 1)	Baseline 2010	Progress against baseline	Output	Indicator	Verification / Source	Who
<b>4.0 Professional Development</b>							
<b>4.1 Consolidation of Regional Training Capacity</b>							
Local trainers lead the design and delivery of more training programmes than external trainers	Every PIC has access to a certified trainer able to assess needs, design and deliver training to judicial and court officers	As at July 2010 there are 23 accredited judicial educators in 10 PICs, no Regional Training Team and no PIC-tailored ToT training programme.	There are 28 (+17 currently being trained) certified trainers in 10 (+4 potential, following current training) PICs, a Regional Training Team that has been mobilised to support 2 regional activities and a PIC tailored ToT training programme has been developed.	Up to 14 people trained and 20% certified as national/regional trainers	Number of participants who attend/successfully complete the programme and their perceptions of the quality of the training / programme including RTT co-facilitation of ToT	ToT TA report including participants' pre/post-workshop evaluations and TAs evaluation of knowledge / skills	ToT TA
				Capacity of up to 10 members of the RTT to assess needs, design, deliver and evaluate programmes is strengthened	Number of local trainer-led training programmes designed/delivered locally and participants' perception of quality	RTT reports including participants' evaluations	
				A toolkit of training resources and materials will be available to the region	Quality of resources/materials developed during the workshop	TA report	TA
						Participants' evaluation	TA
<b>4.2 Core Judicial Development Project</b>							
Judicial/court officers perform their functions more competently	Judicial officers report 25% increase in competence as a result of attending workshop	Judicial officers in PICs have not received Regional orientation and decision-making training since the cessation of PJDP Phase 1 in June 2008. Data about links between judicial orientation training and performance do not exist across the Region.	Judicial/court officers have received orientation and decision-making training and assessment of improvements in performance following the training are scheduled.	Professional capacity of up to 14 newly-appointed lay judicial/court officers will be strengthened	Perceptions of the quality of the training Follow-up to Phase 2 Orientation Training: participants' self-assessment and TA assessment of whether they perform their functions more competently as a result of the training	Participants' / TA evaluation	JCOOT TA



Target (years 2-3)	Target (year 1)	Baseline 2010	Progress against baseline	Output	Indicator	Verification / Source	Who
				A toolkit of training resources and materials will be available to the region	Quality of training toolkit and materials/resources developed for the workshop	Programme/tool kit and participants' evaluations	
				Capacity of up to 14 lay judicial/court officers to reach/render decisions will be strengthened	Perceptions of the quality of the training Follow-up to Phase 2 Decision-Making Training: participants' self-assessment and TA assessment of whether they reach/render decisions more competently as a result of the training	Participants' evaluation	JDMT TA
<b>5.0 Programme Management</b>							
All PJDP activities are delivered and all funds expended	PJDP provides high quality products and services which are owned by and deliver tangible benefits to PIC courts.			Effective management of all aspects of the PJDP, the promotion of collaborative and responsive programming and implementation, and the transparent administration of PJDP resources.	PEC perceptions of quality of TA personnel.	PEC assessment minuted	MSC
					Quality of logistics and progress reporting to enable activities to be implemented on time and within budget.	Progress reports.	MSC
					Quality of incorporation of cross-cutting issues (gender, human rights, sustainability) into appropriate activities	Strategies to incorporate cross-cutting issues.	MSC
						TA progress and completion reports.	All TAs



## ANNEX SIX - RESERVE ACTIVITIES

In the event an under-spend of approved PJDP funds occurs during the extension period, it is planned that one or more 'reserve activities' are submitted to the PEC for consideration and approval, and subsequently implemented prior to the end of the extension period on 30 June, 2013.

The nature and scope of potential reserve activities will depend on the amount of any under-spend. Possible activities for consideration by the PEC (in order of least cost intensive to most cost intensive) include:

1. Increase to the Responsive Fund Mechanism allocation.
2. Increase in the number of PICs in which selected Toolkits are piloted.
3. More active participation of National Coordinators' Working Group and possibly National Judicial Development Committees in the programmatic process.
4. Additional professional development activities.

### **1. Increase to the Responsive Fund Mechanism**

This option can be explored if PICs are proactively applying for Responsive Fund grants and it is considered that additional funding would be readily applied for by partner courts.

### **2. Increase in the number of PICs in which selected Toolkits are piloted**

Depending on the successful piloting of the proposed Toolkits, one or more Toolkits could be piloted in a second or third PIC. It is proposed that the selection of Toolkit(s) and PIC(s) to further pilot will be discussed and agreed with the PEC and relevant partner courts.

### **3. More active participation of National Coordinators' Working Group and possibly National Judicial Development Committees in the programmatic process**

Consideration can be given to the value of bringing together the National Coordinators' Workshop Group, and possibly representatives from active National Judicial Development Committees, to maximise: engagement and involvement in the strategic design; counterpart involvement in the development and implementation of approved regional activities; and capacity to undertake local strategic planning and project management.

### **4. Additional professional development activities**

Further professional development activities might be conducted if a substantial under-spend exists. This might be any or a combination of additional regional: Orientation; Decision-Making/Judgment Writing; and/or Training-of-Trainers workshops.